

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 848  
By: Shapiro et al.  
Intergovernmental Relations  
4/5/2005  
Committee Report (Substituted)

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

The 76th Texas Legislature, Regular Session, 1999, enacted H.B. 1704, which prohibited retroactive rulemaking. The law, codified as Chapter 245, Local Government Code, states that the right to develop a project under existing regulations vests at the time the landowner files the first permit application.

C.S.S.B. 848 specifically defines and determines what "filed" means as it relates to city applications for land development permits.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subdivision (1), Section 245.001, Local Government Code, to redefine "permit."

SECTION 2. Amends Section 245.002, Local Government Code, by amending Subsection (a) and adding Subsection (a-1), to read as follows:

(a) Requires each regulatory agency to consider the approval, disapproval, or conditional approval of an application for a permit solely on the basis of any orders, regulations, ordinances, rules, expiration dates, or other properly adopted requirements in effect at the time that the original application for the permit is filed for review for any purpose, including review for administrative completeness; or a plan for development of real property is filed with a regulatory agency.

(a-1) Sets forth that rights to which a permit applicant is entitled under this chapter accrue on filing of an original application or plan of development that gives the regulatory agency fair notice of the project and the nature of the permit sought. Sets forth that an application or plan is considered filed on the date the applicant delivers the application or plan to the regulatory agency or deposits the application or plan with the United States Postal Service by certified mail addressed to the regulatory agency. Sets forth that a certified mail receipt obtained by the applicant at the time of deposit is prima facie evidence of the date the application or plan was deposited with the United States Postal Service.

SECTION 3. Requires this Act to be construed to provide for the accrual of rights to develop property under regulations in effect at a time certain; provided, however that nothing in the Act is required to be construed to prohibit a regulatory agency from requiring compliance with technical requirements relating to the form and content of an application after the applicant's development rights have accrued pursuant to Section 245.002(a-1) (Uniformity of Requirements, Local Government Code, as added by this Act, if such requirements are in effect at the time the application is filed.

SECTION 4. Effective date: upon passage or September 1, 2005.